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February 20, 2014

Via ECF and Overnight Delivery
Hon. William H. Pauley III
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007

Re: In re: Smith Barney Fund Transfer Agent Litigation
05 Civ. 7583 (WHP)

Dear Judge Pauley:

The purpose of this letter is to update the letter sent to the Court and filed on January 17, 2014 pursuant to the Rule I(D) of the Court's Individual Rules of Practice, Plaintiffs seeking permission, or a pre-motion conference to obtain permission, to adjust the schedule set forth in the Order Preliminarily Approving Settlement and Providing for Notice ("Preliminary Approval Order"), dated October 17, 2013 by extending the time for class members to exclude themselves from the class, extending the time for class members to file claims, extending the time to file an affidavit regarding the sending of notice, extending the time for class members to object to the settlement, Plan of Allocation, application for attorneys' fees, Litigation Expenses or Plaintiffs' Expenses, extending the time for counsel to submit papers in support of settlement, Plan of Allocation, award of attorney's fees, Litigation Expenses and Plaintiffs' Expenses and to adjourn the date for the final approval hearing. Plaintiffs' application is presently pending.

I was informed by Mike Lee of, RG/2 Claims Administration LLC ("RG/2"), the Court appointed claims administrator, that RG/2 received on February 18, 2014 a list of the names and addresses of about 45,000 potential class members from Fidelity. I understand from Mr. Lee that National Financial handles Fidelity and that National Financial had been provided notice at the beginning of the notice period. National Financial had contacted Mr. Lee and told him that they would not be able to get the names and addresses from Fidelity until January. Mr. Lee is not aware of why it took until mid-February to provide this information. Although I have no specific information, it is certainly conceivable that there are other nominees who will still be providing information.

In view of the fact that Plaintiffs had made an application to extend the deadlines, and the fact that the objection and exclusion deadlines have already passed, and that the claim filing

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deadline is next week, it did not seem to make sense to tell Mr. Lee to send out notices to the 45,000 persons identified by Fidelity until the Court rules on the extension.

We will bring to the Court's attention any additional significant developments.

Respectfully,

A handwritten signature in blue ink that reads "Mark Levine". The signature is written in a cursive, flowing style.

Mark Levine

cc: Richard Morvillo, Esq. (all via email)
Peter White, Esq.
Jeffrey Robertson, Esq.
Richard Acocelli, Esq.